

### Remarks

The applicants do not propose any amendment of claims 2, 3, 5 to 12 & 14 to 17 as currently pending in the application. It is the applicants' view that the claims as currently pending patentably distinguish the present invention from the new prior art cited by the Examiner.

The Examiner has rejected the currently pending claims under 35 U.S.C. 103(a) as being unpatentable over Westberg et al (US 5,946,309) in view of Westberg (US 6,195,353).

Applicants accept that Westberg et al teaches a system that can multiplex data from a variety of AAL protocols over a single communication channel in ATM (cf col. 1, lines 6 to 9 & 63/4). Applicants disagree, however, with the Examiner's contention that Westberg et al teaches the feature of the invention that the common part sublayer (CPS) ATM adaptation device has an egress path that provides a through path for segregation and delineation of incoming data units, i.e. does not employ buffering (memory) means in said CPS egress path. The Examiner supports his contention by making reference to the fact that Westberg et al does not mention buffering the incoming data to the receiving station, such that it can be considered a "through path". However, a consideration of the whole of the specification of Westberg et al and, in particular, those portions of the description relating to figure 3 and figure 20 reveals that there is no reference to the system of Westberg et al incorporating a CPS device. Therefore, employing the Examiner's logic, it can be concluded that Westberg et al fails to disclose a CPS adaptation device as taught by the present invention since it does not mention a CPS device.

A skilled person would readily appreciate, however, that any ATM system capable of multiplexing data from a variety of different AAL protocols over a single communication channel, such as that taught by Westberg et al, would include a CPS

adaptation device in addition to buffering means in a manner familiar to a skilled artisan. The reason why the CPS adaptation device and the buffering means are not mentioned in Westberg et al is simply because it is not necessary to describe these elements when describing the preferred embodiments of the Hybrid AAL system disclosed in this prior art reference. Consequently, the reference to the fact that Westberg et al does not mention buffering the incoming data to the receiving station does not constitute a positive recitation of the absence of this feature, i.e. it cannot be concluded from this that Westberg et al teaches the feature of the present invention that the egress path of the CPS adaptation device provides a through path for segregation and delineation of incoming data units (does not employ buffering means). The absence of any positive recitation of this feature in Westberg et al would lead a skilled person to the conclusion that the ATM adaptation layer of the system taught in this disclosure employs buffering means in a manner familiar to skilled artisans, i.e. in both the CPS egress and ingress paths.

Notwithstanding the above, the Examiner has identified a number of features of the currently pending independent claims that are not disclosed in Westberg et al. However, the Examiner contends that such missing features can be found in Westberg (US 6,195,353) and that it would be obvious for a skilled person to combine the teachings of Westberg et al with Westberg to arrive at the present invention as defined by the currently pending independent claims.

The Examiner refers to the fact that Westberg discloses an input buffer on the ingress path that provides memory storage for incoming traffic. In this regard, the Examiner refers to figure 5A. it should be noted, however, that Westberg also teaches the provision of an output buffer in the egress path as can be seen in figure 6. Consequently, in the unlikely event that a skilled person were to consider combining the teachings of Westberg et al and Westberg, it would result in a system which includes buffering means in both the ingress and egress paths, but with no specific teaching into which parts of said paths that said buffering means should be

employed. There is nothing in the teachings of these two prior art references that would motivate a skilled person to go against what is familiar to him and that is the provision of buffering means in both the CPS ingress and egress paths. Thus, it can be concluded that the present invention is not rendered obvious by a combination of Westberg et al and Westberg for at least this reason.

Further, Westberg relates to a telecommunications system in which ATM is used for transporting low bit rate, circuit emulation data (i.e. synchronous data) (cf col. 1, lines 8 to 10). Typically, AAL1 is used to packetize synchronous data (circuit emulation data) (cf col. 1, lines 34 to 36). Westberg discloses a method of improving ATM performance by using the functional capabilities associated with AAL2 for packetizing the circuit emulation data (cf col. 2, lines 27 to 29). Thus, whereas Westberg et al relates to the transfer of telecommunication data by multiplexing data from a variety of different AAL protocols, said different AAL protocols relating to different applications such as voice and video, over a single communication channel, Westberg, in contrast, relates to the transfer of telecommunication data using a single AAL protocol (AAL2) comprising a single data type (application), i.e. synchronous data. Therefore, Westberg et al and Westberg address quite distinct problems in quite distinct manners and thus a skilled person would not be motivated to combine the teachings of these two prior art references since they teach against each other.

Neither Westberg et al nor Westberg considers the need addressed by the present invention as set out at page 2, lines 20 to 32 of the present application as filed since this need is not recognized as an issue by either of these prior art references. Consequently, neither considers the object of optimizing buffering apportionment in the CPS adaptation device by making the CPS egress path a flow through path. This better facilitates switching at the AAL2 level since the absence of buffering on the

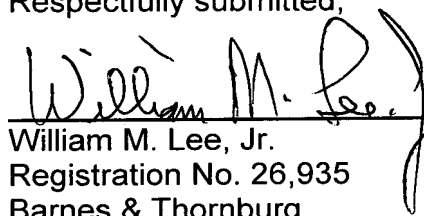
CPS egress path avoids introducing unnecessary delays to delay sensitive traffic carried and switched in accordance with the AAL2 protocol.

It is respectfully submitted therefore that for this and the foregoing reasons the present invention is not obvious having regard to a combination of the Westberg references.

Favorable reconsideration of the currently pending claims is hereby requested.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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